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16     *Eli Lilly and Company*

15     *Counsel for Plaintiff and Counter-Defendant*  
16     *Nektar Therapeutics*

17                    UNITED STATES DISTRICT COURT  
18                    NORTHERN DISTRICT OF CALIFORNIA  
19                    SAN FRANCISCO DIVISION

20     NEKTAR THERAPEUTICS,  
21  
22         Plaintiff/Counter-Defendant,  
23  
24     v.  
25     ELI LILLY & CO.,  
26         Defendant/Counter-Claimant.

27                    CASE NO. 3:23-CV-03943-JD

28                    **STIPULATION AND [PROPOSED] ORDER  
RE AMENDED PLEADINGS, ENLARGING  
MOTION TO DISMISS BRIEFING  
SCHEDULE**

Judge: Hon. James Donato  
Hearing Date: June 20, 2024  
Time: 10:00 a.m.  
Courtroom: 11

1 Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiff Nektar Therapeutics (“Plaintiff”) and  
 2 Defendant Eli Lilly and Company (“Defendant”), by and through their undersigned counsel, hereby  
 3 stipulate and agree as follows:

4 WHEREAS, on March 29, 2024, Defendant filed and served its Counterclaims, Answer, and  
 5 Affirmative Defenses (ECF No. 54) (“Counterclaims & Answer”) to Plaintiff’s original complaint in this  
 6 matter (ECF No. 1) (“Original Complaint”);

7 WHEREAS, on April 26, 2024, Plaintiff filed and served its Motion to Dismiss Defendant’s  
 8 Counterclaims (“Motion”) (ECF No. 58), and noticed it for a hearing on June 20, 2024 at 10:00 am P.T.;

9 WHEREAS, on May 3, 2024, Plaintiff filed and served its First Amended Complaint (ECF No.  
 10 61) (“Amended Complaint”);

11 WHEREAS Plaintiff’s Amended Complaint added allegations regarding Lilly’s alleged failure to  
 12 return materials under the License Agreement, but is otherwise substantially similar to Plaintiff’s Original  
 13 Complaint;

14 WHEREAS, the parties wish to avoid submitting duplicative or unnecessary pleadings and filings,  
 15 in the interest of judicial efficiency;

16 WHEREAS the parties have previously stipulated and/or sought leave to modify case deadlines  
 17 four times in this case, *see* (ECF Nos. 19, 42, 51, 56);

18 WHEREAS the parties now agree to extend Defendant’s time to respond to Plaintiff’s Motion and  
 19 Plaintiff’s time to reply, which extensions will not impact any other deadline related to the Motion or this  
 20 case;

21 NOW THEREFORE, the parties hereby stipulate and agree, subject to the Court’s approval, as  
 22 follows:

- 23 1. Defendant’s previous Counterclaims & Answer shall remain the operative pleading in response  
 24 to Plaintiff’s claims in this case and applies to the Amended Complaint, and Defendant denies  
 25 all new allegations in the Amended Complaint, except to the extent they purport to characterize  
 26 the July 2017 co-development and license agreement between Plaintiff and Defendant (the  
 27 “Agreement”), which speaks for itself, in which case Defendant denies any allegations  
 28 inconsistent with the Agreement;

2. The time for Defendant to file and serve its opposition to Plaintiff's Motion is hereby extended from May 10, 2024 to May 24, 2024.
3. Plaintiff shall file and serve its reply to Defendant's opposition by June 7, 2024.

DATED: May 10, 2024

Respectfully submitted,

KIRKLAND & ELLIS LLP

*s/ Ryan Moorman*

Ryan Moorman

*Counsel for Defendant and Counter-Claimant  
Eli Lilly and Company*

DATED: May 10, 2024

Respectfully submitted,

QUINN EMANUEL URQUHART & SULLIVAN, LLP

*s/ Yury Kapgan*

Yury Kapgan

*Counsel for Plaintiff and Counter-Defendant  
Nektar Therapeutics*

**ATTESTATION PURSUANT TO CIVIL L.R. 5-1(I)(3)**

I, Ryan Moorman, am the ECF user whose user ID and password are being used to file this document. I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Ryan Moorman

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Ryan Moorman

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

Dated May 14 , 2024

HONORABLE JAMES DONATO  
UNITED STATES DISTRICT COURT JUDGE